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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,927	06/19/2003	Chien-Chung Han	HAN0302	6209
22192 7	590 08/26/2005		EXAMINER	
LAW OFFICE OF LIAUH & ASSOC. 4224 WAIALAE AVE			BRUENJES, CHRISTOPHER P	
STE 5-388		ART UNIT	PAPER NUMBER	
HONOLULU, HI 96816			1772	

DATE MAILED: 08/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/600,927	HAN, CHIEN-CHUNG		
Examiner	Art Unit		
Christopher P. Bruenjes	1772		

	Christopher P. Bruenjes	1772	
The MAILING DATE of this communication ap	pears on the cover sheet with the	correspondence add	ress
THE REPLY FILED <u>15 August 2005</u> FAILS TO PLACE THIS			
 The reply was filed after a final rejection, but prior to on this application, applicant must timely file one of the for places the application in condition for allowance; (2) a (3) a Request for Continued Examination (RCE) in confollowing time periods: 	r on the same day as filing a Notice of following replies: (1) an amendment, a Notice of Appeal (with appeal fee) in	of Appeal. To avoid at affidavit, or other evide a compliance with 37 (ence, which CFR 41.31; or
a) The period for reply expiresmonths from the mailing b) The period for reply expires on: (1) the mailing date of this A event, however, will the statutory period for reply expire later Examiner Note: If box 1 is checked, check either box (a) or	Advisory Action, or (2) the date set forth in the than SIX MONTHS from the mailing date of	of the final rejection.	
MONTHS OF THE FINAL REJECTION. See MPEP 706.0 Extensions of time may be obtained under 37 CFR 1.136(a). The date been filed is the date for purposes of determining the period of extension CFR 1.17(a) is calculated from: (1) the expiration date of the shortened above, if checked. Any reply received by the Office later than three more earned patent term adjustment. See 37 CFR 1.704(b). NOTICE OF APPEAL	7(f). on which the petition under 37 CFR 1.136(in and the corresponding amount of the fee, statutory period for reply originally set in the	a) and the appropriate ext The appropriate extensions of (2)	ension fee have on fee under 37 as set forth in (b)
 The Notice of Appeal was filed on A brief in confiling the Notice of Appeal (37 CFR 41.37(a)), or an Since a Notice of Appeal has been filed, any reply must AMENDMENTS 	y extension thereof (37 CFR 41.37(e))), to avoid dismissal (of the appeal.
3. The proposed amendment(s) filed after a final rejection (a) They raise new issues that would require further	consideration and/or search (see NO		because
 (b) ☐ They raise the issue of new matter (see NOTE b (c) ☐ They are not deemed to place the application in appeal; and/or 	better form for appeal by materially r		g the issues for
(d) They present additional claims without canceling NOTE: see continuation sheet. (See 37 CFR 1		ejected claims.	
 4. The amendments are not in compliance with 37 CFR 5. Applicant's reply has overcome the following rejection 6. Newly proposed or amended claim(s) would be the non-allowable claim(s). 	1.121. See attached Notice of Non-Con(s):		
7. For purposes of appeal, the proposed amendment(s): how the new or amended claims would be rejected is The status of the claim(s) is (or will be) as follows:		vill be entered and an	explanation of
Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>1-23</u> . Claim(s) withdrawn from consideration: <u>24-38</u> .			
 AFFIDAVIT OR OTHER EVIDENCE The affidavit or other evidence filed after a final action because applicant failed to provide a showing of good and was not earlier presented. See 37 CFR 1.116(e). 	and sufficient reasons why the affidence of the sufficient reasons which is the suffic	avit or other evidence	is necessary
9. The affidavit or other evidence filed after the date of file entered because the affidavit or other evidence failed showing a good and sufficient reasons why it is necess	to overcome <u>all</u> rejections under apposary and was not earlier presented.	eal and/or appellant fa See 37 CFR 41.33(d)	ails to provide a (1).
10. ☐ The affidavit or other evidence is entered. An explana REQUEST FOR RECONSIDERATION/OTHER	·		
11. The request for reconsideration has been considered			ance because:
12. Note the attached Information Disclosure Statement13. Other:	(s). (PTO/SB/08 or PTO-1449) Pape	· No(s)	

U.S. Patent and Trademark Office PTOL-303 (Rev. 4-05)

ADVISORY ACTION

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Acknowledgement of Applicants Amendments

The amendments made in the claims in the Paper filed August 15, 2005, have not been entered due to the fact that they raise new issues that would require further consideration and/or search. Specifically, the limitation "which share a common wall" changes the scope of the claim from the fact that the tubes are intimately adjoined. Intimately adjoined does not require that the carbonized carbon tubes share a common wall. Furthermore, the limitation that the tubes share a common wall is inconsistent with claim 3, which requires a polymer, resin, oligomer, adhesive, etc. as a binding agent for binding the tubes together. Claim 3 is taught in the drawings in Step 204 of Figure 2, in which an adhesive material is found between the tubes. Also there is no mention in the specification as to how the binding agents of claim 3, can be used and the carbon tubes share a common wall. The support for claim 3 in the specification on pages 9 and 11-12 does not support the binding element being used for any purpose except between the tubes. Specifically, on page 11 line 21 through page 12 line 1 of the instant specification, it is stated that "the resultant assembled carbon tube structures may mainly consist of

individually well-defined carbon tubes that are bound or connected with each other by the above said interfacial binding elements at the contacted surfaces." An interpretation of "which share a common wall" that remains consistent with the dependent claims and the specification is that in the final product after carbonization the tubes share a common wall because the binding element between the tubes and the coatings on the removed fibers are carbonized and therefore are all one wall of carbon. Based on this interpretation, which is based on the description of Figure 2 and pages 9 and 11-12, which describe the assembly using the binding elements claimed in claim 3, whether or not prior to carbonization the assembled structure shares a common wall is not germane to the claimed invention. Furthermore, the claims do not limit the thickness of the shared wall of the carbonized carbon tubes. Therefore, the limitation raises new issues with regard to 35 U.S.C. 112 indefiniteness of some of the dependent claims and further consideration is required to determine whether the currently cited prior art still reads on the claimed invention, in light of the fact that a thickness of the tube wall is not claimed and that an adhesive that has been fully carbonized along with the sheath would form a single wall between the openings of the individual tubes. Additionally, the limitation that the tubes

share a common wall is narrower than intimately adjoined and therefore also may require further search.

ANSWERS TO APPLICANT'S ARGUMENTS

2. Applicant has not specifically argued the claimed invention over the prior art, instead relying on the amendment to differentiate over the prior art. However, the amendment has not been entered for the reasons presented above.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Application/Control Number: 10/600,927

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes

Examiner

Art Unit 1772

- CPB

August 24, 2005

HAROLD PYON
SUPERVISORY PATENT EXAMINER

8/24/25

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